

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DANA MOORE

VS.

UNITED STATES OF AMERICA;
UNITED STATES POSTAL SERVICE;
AND RYAN TYROME HUNTER

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NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW DANA MOORE (hereinafter referred to as "PLAINTIFF"), and files this Original Complaint against UNITED STATES OF AMERICA, UNITED STATES POSTAL SERVICE, and RYAN TYROME HUNTER (hereinafter referred to as "DEFENDANTS"), and for cause of action would respectfully show unto the Court as follows:

(1) This action arises under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§1346(b), 2671 et seq., and the provisions of 39 U.S.C. §409. This Court possesses jurisdiction under the provisions of 28 U.S.C. §1346(b)(1) and 39 U.S.C. §409(a), and sovereign immunity is waived under the FTCA.

(2) Pursuant to 28 U.S.C. §1402(b), venue of this cause of action is proper in this judicial district based upon the Plaintiff's residence, and the location where the acts and/or omissions made the basis of this lawsuit occurred.

(3) Plaintiff would show that all conditions precedent to recovery under the FTCA have occurred to date. Pursuant to 28 U.S.C. §2675(a), Plaintiff presented her claim

within two years from the date of its accrual, and the claim was received by Defendant UNITED STATES POSTAL SERVICE via certified mail, return receipt requested. More than six months have elapsed since Defendant UNITED STATES POSTAL SERVICE's receipt of Plaintiff's claim, and as of the date of filing of this complaint, Plaintiff has not received a final disposition of his claim via registered or certified mail. Pursuant to 28 U.S.C. §2675(a), Plaintiff has elected to treat the lack of a disposition of her claim as a final denial, and has accordingly proceeded with this filing of this complaint.

(4) Defendant UNITED STATES OF AMERICA is a governmental entity. Pursuant to Fed. R. Civ. P. 4(i)(1), the Defendant UNITED STATES OF AMERICA may be served by (A) delivering copies of the summons and Plaintiff's Original Complaint to Alamdar Hamdani, United States Attorney for the U.S. Southern District of Texas, 1000 Louisiana St., Ste. 2300, Houston, Texas 77002, and (B) by sending copies of the summons and Plaintiff's Original Complaint by certified mail to Merrick Garland, Attorney General of the United States, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001.

(5) Defendant UNITED STATES POSTAL SERVICE is a governmental agency or corporation of the United States. Pursuant to Fed. R. Civ. P. 4(i)(2), the Defendant UNITED STATES POSTAL SERVICE may be served by and through the Defendant UNITED STATES OF AMERICA by (A) delivering a copy of the summons and Plaintiff's Original Complaint to Alamdar Hamdani, United States Attorney for the U.S. Southern District of Texas, 1000 Louisiana St., Ste. 2300, Houston, Texas 77002, (B) by sending copies of the summons and Plaintiff's Original Complaint by certified mail to Merrick Garland, Attorney General of the United States, 950 Pennsylvania Avenue, NW,

Washington, D.C. 20530-0001; and (C) by sending copies of the summons and Plaintiff's Original Complaint by certified mail to Defendant UNITED STATES POSTAL SERVICE, 475 L'Enfant Plaza SW, Washington, D.C. 20590.

(6) Defendant RYAN TYROME HUNTER is an employee of Defendant UNITED STATES POSTAL SERVICE, and has been sued herein for an act or omission occurring in connection with his duties performed on behalf of the United States. Pursuant to Fed. R. Civ. P. 4(i)(3), the Defendant RYAN TYROME HUNTER may be served (A) by and through the Defendant UNITED STATES OF AMERICA by delivering a copy of the summons and Plaintiff's Original Complaint to Alamdar Hamdani, United States Attorney for the U.S. Southern District of Texas, 1000 Louisiana St., Ste. 2300, Houston, Texas 77002, (B) by sending copies of the summons and Plaintiff's Original Complaint by certified mail to Merrick Garland, Attorney General of the United States, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; and (C) by delivering copies of the summons and Plaintiff's Original Complaint pursuant to Fed. R. Civ. P. 4(e) upon Defendant RYAN TYROME HUNTER at his dwelling or usual place of abode, 5840 Gulfton #1731, Houston, Texas 77081, or at such other location where this Defendant may be found.

(7) On or about March 17, 2023, a vehicle operated by Defendant RYAN TYROME HUNTER collided with the rear end of another vehicle occupied by Plaintiff DANA MOORE on North Main Road in Baytown, Harris County, Texas. At the time of the collision, the vehicle occupied by Plaintiff was stopped in a left-hand turn lane.

(8) Plaintiff contends that the acts and/or omissions of Defendant RYAN TYROME HUNTER constituted negligence under the common law of the State of

Texas, including but not limited to his failure to control his vehicular speed, and his failure to maintain a safe following distance. Said negligence on behalf of Defendant RYAN TYROME HUNTER served as a proximate cause of the collision in question and the damages for which recovery is sought herein.

(9) Plaintiff further contends that the acts and/or omissions of Defendant RYAN TYROME HUNTER constituted negligence per se. Under section 544.010 of Texas Transportation Code, Defendant RYAN TYROME HUNTER was required to control the speed of his vehicle as necessary to avoid a collision with another vehicle. Additionally, pursuant to section 545.062 of the Texas Transportation Code, Defendant RYAN TYROME HUNTER was required to maintain an assured clear distance between his vehicle and the vehicle occupied by Plaintiff. Defendant RYAN TYROME HUNTER's unexcused violations of the foregoing statutory codes of conduct constituted negligence per se under Texas law.

(10) Based upon knowledge and belief, Defendant RYAN TYROME HUNTER was serving in the course and scope of his employment with the Defendants UNITED STATES POSTAL SERVICE and UNITED STATES POSTAL SERVICE at the time of the above-described negligent acts and/or omissions. Under the theory of respondent superior, Defendants UNITED STATES OF AMERICA and UNITED STATES POSTAL SERVICE are vicariously liable for the negligent acts and/or omissions of Defendant RYAN TYROME HUNTER, and for the Plaintiff's damages proximately caused by the same.

(11) Plaintiff seeks the recovery of \$60,000.00 in this cause, based upon the following elements of damages:

- (a) Medical and health care expenses incurred in the past;
- (b) Medical and health care expenses that, in a reasonable probability, will be incurred in the future;
- (c) Past and future physical pain;
- (d) Past and future mental anguish and suffering;
- (e) Physical impairment, past and future;
- (f) Property damages;
- (g) Costs of Court; and
- (h) Such other damages that may be established at the time of trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein as required by law, and upon final trial and hearing hereof, the Plaintiff have and recover damages from the Defendants, together with costs of court, pre-judgment and post-judgment interest at the legal rate, and such other and further relief, general and special, legal and equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ *Scott C. Lannie*

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